

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTONIO G. ROBLES,

Plaintiff,

v.

STEVEN JOHNSON, *et al.*,

Defendants.

Case No. 1:22-cv-00620-ADA-CDB (PC)

ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO STATE A CLAIM, COMPLY
WITH A COURT ORDER, AND FAILURE
TO PROSECUTE

(Doc. 7)

FOURTEEN (14) DAY DEADLINE

Plaintiff Antonio G. Robles is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil action filed under 42 U.S.C. § 1983. On April 26, 2023, the Court issued a screening order finding that Plaintiff's complaint fails to state a cognizable Eighth Amendment claim or state law claims for medical malpractice and/or negligence. (Doc. 7.) The Court directed Plaintiff, within twenty-one days, to "(1) file a first amended complaint, (2) file a notice indicating that he wishes to stand on his complaint subject to the undersigned recommending the district court dismiss . . . the complaint for the reasons stated above in this order; or (3) file a notice to voluntary dismiss this action pursuant to Rule 41(a)(1). (*Id.* at 9.) The Court warned Plaintiff in clear and easily understood terms: "Plaintiff is forewarned that failure to comply with this order may result in an order of dismissal or a recommendation that the petition be dismissed pursuant to Local Rule 110." (*Id.*) Despite this admonishment, Plaintiff has failed to respond to the order.

1 Accordingly, Plaintiff is ORDERED TO SHOW CAUSE in writing, **within fourteen**
2 **(14) days** from the date of service of this Order, why this action should not be dismissed for
3 failure to state a claim, failure to comply with a court order, and failure to prosecute.
4 Alternatively, within the same time frame, Plaintiff may file a first amended complaint curing the
5 deficiencies identified in the Court's screening order (Doc. 7) or file a notice of voluntary
6 dismissal of this case.

7 **Failure to comply with this Order will result in a recommendation for the dismissal**
8 **of this case, without further notice, for failure to state a claim, failure to comply with a**
9 **court order, and failure to prosecute.**

10 IT IS SO ORDERED.

11 Dated: May 31, 2023

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13 UNITED STATES MAGISTRATE JUDGE